

Remarks

This Application has been carefully reviewed in light of the Office Action mailed June 27, 2006. Applicants appreciate the Examiner's consideration of the Application. Applicants believe all claims are allowable over the Examiner's rejections without amendment and respectfully provide the following remarks. Additionally, Applicants have added new independent Claim 38, which does not add any new matter. Applicants respectfully request reconsideration and allowance of all pending claims, and consideration and allowance of all new claims.

I. Amendments to the Specification

The Examiner objects to the Specification and requests that Applicants amend the Specification to supply the missing serial numbers in the "Related Applications" section of the Specification (Office Action, Page 2). These serial numbers were not available at the time the Application was filed due to the concurrent filing of this Application with the referenced Related Applications. Applicants have amended the paragraph beginning at page 1, line 6, under the heading "RELATED APPLICATIONS" to supply the appropriate serial numbers. Applicants request that the objection to the Specification be withdrawn.

Applicants have also made various other amendments to the Specification. One of these amendments supplies a serial number for a patent application (consistent the amended Related Applications section of the Specification), and two of these amendments correct typographical errors in the Specification. None of these amendments add any new matter. Applicants respectfully request that the Examiner enter these amendments.

II. The Claims are Allowable Under 35 U.S.C. § 103(a)

A. Independent Claims 1 and 24 and Their Dependent Claims are Allowable over *Northcutt*

The Examiner rejects Claims 1-11 and 19-34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0126001 by Northcutt et al. ("*Northcutt*"). Applicants respectfully disagree.

At the outset, Applicants believe they could antedate *Northcutt* based at least on Applicants' date of conception prior to December 28, 2001 (the filing date of *Northcutt*) and

subsequent diligence up to the February 8, 2002 filing date of the Application. While Applicants have chosen not to do so in the present Response due to the clear distinctions between Applicants' independent claims and *Northcutt*, Applicants reserve the right to antedate *Northcutt* in a future Response or on Appeal, if appropriate. By not antedating *Northcutt* at this time, Applicants do not concede that *Northcutt* qualifies as prior art.

At a minimum, *Northcutt* fails to disclose, teach, or suggest the following limitations recited in Claim 1:

- a dispatcher operable to . . . determine if any of the plurality of [received] messages is associated with a work assignment; and
- an active work server . . . operable to:
 - receive work information associated with at least one message determined by the dispatcher to be associated with a work assignment;
 - create a work item associated with the at least one message based at least in part upon the work information, wherein the work item comprises an owner identifier; and
 - communicate the work item to an owner associated with the owner identifier.

For example, *Northcutt* fails to disclose, teach, or suggest an active work server that is operable to “create a work item associated with the at least one message based at least in part upon the work information, wherein the work item comprises an owner identifier,” as recited in Claim 1. According to the Examiner, *Northcutt* discloses that “a manager assigns the work item to a person responsible to complete the work assignment.” (See Office Action, Page 3 citing *Northcutt*, ¶ 65) Assuming for the sake of argument that the Examiner's characterization of *Northcutt* is accurate, a manager manually assigning a received request for service to responsible information technology personnel (See *Northcutt*, ¶ 65) does not disclose, teach, or suggest an active work server that is operable to “receive work information associated with at least one message determined by [a] dispatcher to be associated with a work assignment” and to “create a work item associated with the at least one message based at least in part upon the work information, wherein the [created] work item comprises an owner identifier,” as recited in Claim 1. Moreover, the Examiner has not identified in *Northcutt* a distinct work item that comprises an owner identifier indicating an owner of the work item.

As another example, it is not entirely clear what specific disclosure in *Northcutt* the Examiner is attempting to equate with the “work item” recited in Claim 1. The Examiner apparently alleges that a “work item is a type of message.” (Office Action, Page 3) Thus, the Examiner apparently equates some alleged disclosure of a “work item” in *Northcutt* with the “plurality of messages” received by the dispatcher, as recited in Claim 1. Yet if this alleged “work item” disclosed in *Northcutt* is used by the Examiner to allegedly teach the “plurality of messages” recited in Claim 1, then what disclosure in *Northcutt* is the Examiner alleging to disclose the “work item” created by the active work server [based at least in part upon the work information of a message determined by the dispatcher to be associated with a work assignment], as recited in Claim 1? Applicants respectfully request that the Examiner clarify this position in the event that a new Office Action is issued based on *Northcutt*.

As another example, the Examiner correctly acknowledges that *Northcutt* fails to teach a dispatcher operable to “determine if any of the plurality of messages is associated with a work assignment,” as recited in Claim 1. (See Office Action, Page 3) However, the Examiner argues the following:

It is old and well-known in the art to ‘determine if any of a plurality of messages is associated with a work assignment.’ The advantage of this feature is that it enables the proper organization of information in that the appropriate personnel are associated with the appropriate information. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the feature to ‘determine if any of the plurality of messages is associated with a work assignment’ with the *Northcutt et al.* system in order to facilitate the proper management of information, which is a goal of *Northcutt et al.* (see ¶ 2).

(Office Action, Pages 3-4)

First, the Examiner states that “[i]t is old and well-known in the art to ‘determine if any of a plurality of messages is associated with a work assignment.’” (Office Action, Pages 3-4) The Examiner cites no evidence for this statement. If “common knowledge” or “well known” art is being relied on to modify the reference, or if Official Notice is being taken, Applicants respectfully request that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. If personal knowledge is being relied on to supply the required motivation or suggestion to modify *Northcutt*, Applicants respectfully request that an affidavit supporting such facts be provided pursuant to M.P.E.P. § 2144.03.

Second, Applicants respectfully submit that the Examiner has not provided the requisite teaching, suggestion, or motivation, either in *Northcutt* or in the knowledge generally available to one of ordinary skill in the art at the time of Applicants' invention to modify *Northcutt* in the manner the Examiner proposes.

The governing Federal Circuit case law makes this strict legal standard clear.¹ According to the Federal Circuit, "a showing of a suggestion, teaching, or motivation to combine or modify prior art references is an essential component of an obviousness holding." *In re Sang-Su Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002) (quoting *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 U.S.P.Q.2d 1456, 1459 (Fed. Cir. 2000)). "Evidence of a suggestion, teaching, or motivation . . . may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, the nature of the problem to be solved." *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). However, the "range of sources available . . . does not diminish the requirement for actual evidence." *Id.* Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *In re Mills*, 916 F.2d at 682, 16 U.S.P.Q.2d at 1432. *See also In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998) (holding a prima facie case of obviousness not made where the combination of the references taught every element of the claimed invention but did not provide a motivation to combine); *In Re Jones*, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1944 (Fed. Cir. 1992) ("Conspicuously missing from this record is any evidence, other than the PTO's speculation (if that can be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modification of the prior art salts necessary to arrive at" the claimed invention.). Even a determination that it would have been obvious to one of ordinary skill in the art at the time of the invention to try the proposed modification or combination is not sufficient to establish a *prima facie* case of obviousness. *See In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988).

¹ Note M.P.E.P. 2145 X.C. ("The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references.").

In addition, the M.P.E.P. and the Federal Circuit repeatedly warn against using an applicant's disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, "The tendency to resort to 'hindsight' based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." M.P.E.P. § 2142. The governing Federal Circuit cases are equally clear. "A critical step in analyzing the patentability of claims pursuant to [35 U.S.C. § 103] is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one 'to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher.'" *In re Kotzab*, 217 F.3d 1365, 1369, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000) (citations omitted). In *In re Kotzab*, the court noted that to prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. *See id.* *See also, e.g., Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988). Similarly, in *In re Dembiczak*, the Federal Circuit reversed a finding of obviousness by the Board, explaining that the required evidence of such a teaching, suggestion, or motivation is essential to avoid impermissible hindsight reconstruction of an applicant's invention:

Our case law makes clear that the best defense against the subtle but powerful attraction of hind-sight obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.

175 F.3d at 999, 50 U.S.P.Q.2d at 1617 (citations omitted).

It appears that the Examiner has merely proposed an alleged advantage of modifying *Northcutt* (an advantage which Applicants do not admit could even be achieved by modifying *Northcutt* in the manner the Examiner proposes). The alleged advantage cited by the

Examiner (facilitating proper management of information) does not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify the particular techniques disclosed in *Northcutt* to include a decision regarding "determining if any of the plurality of messages is associated with a work assignment;" and (2) how one of ordinary skill in the art at the time of Applicants' invention would have made such a modification to *Northcutt*. Indeed, it does not even appear that there would be any reason for making such a determination in the system of *Northcutt*. There is certainly no reason to assume (even accepting for the sake of argument the Examiner's position that it is a goal of *Northcutt* to "facilitate the proper management of information") that one of ordinary skill in the art at the time of Applicants' invention would have been motivated to incorporate any such determination into the system disclosed in *Northcutt* as the Examiner proposes.

Therefore, for at least these reasons, it certainly would not have been obvious to one of ordinary skill in the art at the time of invention *to even attempt* to, let alone *to actually*, modify the particular system disclosed in *Northcutt* in the manner proposed by the Examiner.² Applicants respectfully submit that the Examiner's attempt to modify *Northcutt* appears to constitute the type of impermissible hindsight reconstruction of Applicants' claims, using Applicants' claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

Accordingly, since the Examiner has not provided the required teaching, suggestion, or motivation to modify *Northcutt* in the manner the Examiner proposes, Applicants respectfully submit that the Examiner's conclusions set forth in the Office Action do not meet the requirements set forth in the M.P.E.P. and the governing Federal Circuit case law for demonstrating a *prima facie* case of obviousness. Applicants respectfully submit that the rejection must therefore be withdrawn.

² If "common knowledge" or "well known" art is relied upon by the Examiner to modify *Northcutt*, Applicants respectfully request that the Examiner provide a reference pursuant to M.P.E.P. § 2144.03 to support such an argument. If the Examiner relies on personal knowledge to supply the required motivation or suggestion to modify *Northcutt*, Applicants respectfully request that the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03.

Moreover, at least because *Northcutt* fails to disclose, teach, or suggest a dispatcher operable to “determine if any of the plurality of messages is associated with a work assignment,” as recited in Claim 1, *Northcutt* necessarily fails to disclose, teach, or suggest an active work server operable to “receive work information associated with at least one message ***determined by the dispatcher to be associated with a work assignment***,” “create a work item associated with the at least one message ***[determined by the dispatcher to be associated with a work assignment]*** based at least in part upon the work information, wherein the work item comprises an owner identifier,” and “communicate the work item ***[associated with the at least one message determined by the dispatcher to be associated with a work assignment]*** to an owner associated with the owner identifier,” as recited in Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For at least certain analogous reasons, Applicants respectfully request reconsideration and allowance of independent Claim 24 and its dependent claims.

B. Discussion of Certain Dependent Claims

Dependent Claims 2-11 and 25-34 depend from independent Claims 1 and 24, respectively, which Applicants have shown above to be clearly allowable over *Northcutt* (even in light of the Examiner’s proposed modifications to *Northcutt*). Thus, dependent Claims 2-11 and 25-34 are allowable at least because of they depend from allowable independent claims. Additionally, dependent Claims 2-11 and 25-34 recite further patentable distinctions over *Northcutt*.

As a first example, dependent Claim 10 recites, “The system of Claim 8, wherein the work item further comprises a first link to at least one of the evaluation, the recording, and the survey.” To the extent that *Northcutt* discloses any “work item” as recited in Applicants’ claims (and Applicants do not concede that it does), nowhere does *Northcutt* disclose, teach, or suggest that the work item “comprises a first link to at least one of the evaluation, the recording, and the survey,” as recited in Claim 10. The portion of *Northcutt* cited by the Examiner in rejecting Claim 10 merely discloses that a link is communicated to the owner of an RFS and to the submitter of the RFS, but fails to disclose, teach, or suggest that this link is “to at least one of the evaluation, the recording, and the survey,” as recited in Claim 10.

Moreover, Applicants respectfully submit that the Examiner's attempt to dismiss certain of the limitations recited in Claim 10 is improper. One of the three basic criteria that must be established by an Examiner to establish a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest ***all the claim limitations***." See M.P.E.P. § 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added). "***All words*** in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (emphasis added). *Northcutt* clearly fails to disclose, teach, or suggest a work item that "comprises a first link to ***at least one of the evaluation, the recording, and the survey***," as recited in Claim 10.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 10 and its dependent claims. For at least certain analogous reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 33 and its dependent claims.

As a second example, dependent Claim 11 recites, "The system of Claim 10, wherein the work item further comprises a second link to at least one application used to perform the work assignment." To the extent that *Northcutt* discloses any "work item" as recited in Applicants' claims (and Applicants do not concede that it does), nowhere does *Northcutt* disclose, teach, or suggest that the work item "comprises a second link to at least one application used to perform the work assignment," as recited in Claim 11. According to the Examiner, *Northcutt* discloses that "users are provided with an interface enabling them to link to resources and tools to perform modifications or additions to the work assignment." (See Office Action, Page 6 citing *Northcutt*, ¶¶ 60-63) Assuming for the sake of argument that the Examiner's characterization of *Northcutt* is accurate, an interface enabling users to link to resources and tools to perform ***modifications or additions to the work assignment*** (as allegedly disclosed in *Northcutt*) is distinguishable from a link to at least one application used to ***perform*** the work assignment," as recited in Claim 11. Moreover, the discussion at paragraphs 60-63 of *Northcutt* relates to an interface through which a user can manually create a report. See ¶ 60, lines 1-3. The cited portion of *Northcutt* does not discuss a work item created by an active work server, as recited in Claim 1 (from which Claim 8 depends),

much less a created work item that “comprises a second link to at least one application used to perform the work assignment,” as recited in Claim 11.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 11 and its dependent claims. For at least certain analogous reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 34 and its dependent claims.

At least certain of the additional dependent claims also recite further patentable distinctions over *Northcutt*. To avoid burdening the record and in view of the clear allowability of independent Claims 1 and 24, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claims 2-11 and 25-34.

C. Independent Claim 19 is Allowable over *Northcutt*

The Examiner states that “Claims 19-37 are for a method reciting the same limitations already rejected under the system claims of 1-18; therefore the rejections of claims 1-18 are applied to claims 19-37.” (Office Action, Page 10) Applicants do not acquiesce to the Examiner’s characterization of Claims 19-37. First, independent Claim 19 and its dependent claims are directed to a work item, not a method. Second, Applicants do not necessarily agree with or acquiesce to the Examiner’s characterization that Claims 19-37 recite the same limitations as Claims 1-18. In any event, Applicants address below the rejection of Claim 19 (which appears to be based solely on *Northcutt*).

At a minimum, *Northcutt* fails to disclose, teach, or suggest a work item for performing a work assignment that comprises “an owner identifier indicating the owner of the work item,” as recited in Claim 19. According to the Examiner, *Northcutt* discloses that “a manager assigns the work item to a person responsible to complete the work assignment.” (See Office Action, Page 3 citing *Northcutt*, ¶ 65) Assuming for the sake of argument that the Examiner’s characterization of *Northcutt* is accurate, a manager manually assigning a

received request for service to responsible information technology personnel does not disclose, teach, or suggest a work item for performing a work assignment that comprises “an owner identifier indicating the owner of the work item,” as recited in Claim 19. The Examiner has not identified in *Northcutt* a distinct work item that comprises an owner identifier indicating an owner of the work item.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 19 and its dependent claims.

D. Dependent Claims 12-18 and 35-37 are Allowable over the Proposed *Northcutt-Ouchi* Combination

The Examiner rejects Claims 12-18 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over *Northcutt* in view of U.S. Patent Application Publication No. 2003/0023675 by Ouchi et al. (“*Ouchi*”). Applicants respectfully disagree.

Dependent Claims 12-18 and 35-37 depend from independent Claims 1 and 24, respectively, which Applicants have shown above to be clearly allowable over *Northcutt* (even in light of the Examiner’s proposed modifications to *Northcutt*). *Ouchi* fails to make up for at least the deficiencies of *Northcutt* discussed above. Thus, dependent Claims 12-18 and 35-37 are allowable at least because of they depend from allowable independent claims. Additionally, dependent Claims 12-18 and 35-37 recite further patentable distinctions over the proposed *Northcutt-Ouchi* combination.

As just one example, dependent Claim 12 recites:

The system of Claim 11, further comprising a collaboration server having a plurality of work folders associated with a plurality of owners and operable to:

retrieve at least one of the evaluation, the recording, or the survey based on the first link; and

launch at least one application based upon the second link.

The proposed *Northcutt-Ouchi* combination fails to disclose, teach, or suggest various limitations recited in Claim 12.

First, in rejecting Claim 12, Applicants respectfully submit that the Examiner committed at least two legal errors. First, it appears that the Examiner is attempting to read limitations from Applicants' Specification into the claims. (*See, e.g.,* Office Action, Page 7) To the extent that is the case, Applicants respectfully submit that it would be improper to limit Applicants' claims to the specific example embodiments described in the Specification. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1323-24, 75 U.S.P.Q.2d 1321, 1334-35 (Fed. Cir. 2005). Second, Applicants respectfully submit that the Examiner did not consider each and every limitation ***recited in the claim***. One of the three basic criteria that must be established by an Examiner to establish a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest ***all the claim limitations***." *See* M.P.E.P. § 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added). "***All words*** in a claim must be considered in judging the patentability of that claim against the prior art." *See* M.P.E.P. § 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (emphasis added). Applicants respectfully submit that it does not appear from the text of the Examiner's rejection that the Examiner considered "all the claim limitations" or "all words" recited in Claim 12.

For example, the Examiner did not even address the limitations "retriev[ing] at least one of the evaluation, the recording, or the survey based on the first link [the work item comprising the first link and the first link being to at least one of the evaluation, the recording, and the survey]" and "launch[ing] at least one application based upon the second link [the work item comprising the second link and the second link being to at least one application used to perform the work assignment]," as recited in Claim 12. (*See* Office Action, Pages 6-7) Applicants respectfully submit that neither *Northcutt* nor *Ouchi* discloses, teaches, or suggests these limitations. Additionally, Applicants do not admit that the proposed *Northcutt-Ouchi* combination is even possible or that the Examiner has shown the requisite teaching, suggestion, or motivation in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of invention to combine or modify these references in the manner the Examiner proposes.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claim 12 and its dependent claims.

At least certain of the additional dependent claims also recite further patentable distinctions over the proposed *Northcutt-Ouchi* combination. To avoid burdening the record and in view of the clear allowability of independent Claims 1 and 24, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Additionally, Applicants do not admit that the proposed *Northcutt-Ouchi* combination is even possible or that the Examiner has shown the requisite teaching, suggestion, or motivation in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of invention to combine or modify these references in the manner the Examiner proposes.

For at least these reasons, Applicants respectfully request reconsideration and allowance of dependent Claims 12-18 and 35-37.

III. New Independent Claim 38 is Allowable

Applicants respectfully submit that new independent Claim 38, which does not add any new matter, is allowable over the references cited by the Examiner. For example, Applicants respectfully submit that *Northcutt* and *Ouchi* are unrelated a call center environment. As another example, neither *Northcutt* nor *Ouchi*, whether considered alone or in combination, discloses, teaches, or suggests a dispatcher operable to “receive a plurality of messages each comprising a session summary associated with a session between a call center representative of the call center and a caller to the call center” and to “determine if any of the plurality of messages is associated with a work assignment, a work assignment comprising one or more of completing an evaluation of a session, reviewing a recording associated with a session, and reviewing a survey associated with a session,” as recited in Claim 38.

Moreover, for at least certain reasons analogous to those discussed above with reference to independent Claim 1, neither *Northcutt* nor *Ouchi*, whether considered alone or in combination, discloses, teaches, or suggests an active work server that is operable to: “receive work information associated with at least one message determined by the dispatcher to be associated with a work assignment;” “create a work item associated with the at least one message based at least in part upon the work information, wherein the work item comprises

an owner identifier;" and "communicate the work item to an owner associated with the owner identifier for performance of the work assignment associated with the work item."

For at least these reasons, Applicants respectfully request consideration and allowance of new independent Claim 38.

IV. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicants, at the Examiner's convenience at (214) 953-6813.

The Commissioner is hereby authorized to charge the amount of \$250.00 to Deposit Account No. 02-0384 of Baker Botts L.L.P. for the cost of one new independent claim over three and one new claim total over twenty. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any other fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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